

Notice of Allowability

Application No.

10/686,377

Examiner

Margaret Einsmann

Applicant(s)

ROGERS ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 3/29/05.
2. ☐ The allowed claim(s) is/are 2-14.
3. ☒ The drawings filed on 15 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sara M. Current on March 29, 2005.

The application has been amended as follows:

Claims 1 and 15 have been canceled.

Claim 2. On line 1, "1" has been replaced with "14"

Claim 3. On line 1, "1" has been replaced with "14"

Claim 4. On line 1, "1" has been replaced with "14"

Claim 5. On line 1, "1" has been replaced with "14"

Claim 6. On line 1, "1" has been replaced with "14" and on line four after "up to 2.0" the following has been inserted

---wherein DL* is the light/dark difference of the patterned area minus the standard as obtained by measurements made on a colorimeter or spectrophotometer---

Claim 7. On line 1, "1" has been replaced with "14"

The following is an examiner's statement of reasons for allowance: The process of producing a multi-colored substrate as claimed is novel and unobvious over the art of record for the following reasons. Applicant is using a single dye formula containing at least two different dyes to dye a synthetic fiber substrate wherein the substrate has

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base regions of a first fiber orientation and a patterned region having fibers which are less oriented. Since the fibers in the two regions absorb the dyes differentially, a multicolored substrate results. In general, when dyeing is done by a mixture of dyes, the objective is to dye the entire substrate the same color, the dyes in the mixture forming a color which is the same or nearly the same over the entire substrate. For example, in dichromatic or trichromatic dyeing, dyes are mixed to form a black, grey or brown color. See Reddig et al., US 5,762,652 col 1 lines 11 et seq. wherein it is stated, "For dyeing or printing textile fibre materials in accordance with the dichromaticity principle, dyestuffs having a colour build-up which is as uniform as possible coupled with a constancy of nuance in various concentrations and a good ability to be combined are required,..." This aim is not always to be achieved with the dyestuff/dyestuff mixtures used to date, in particular in respect to the ability to be combined, rate of absorption, degree of absorption, especially in deep, clear shades, fibre and surface levelness and general fastness properties,..." Applicant on the other hand, purposely finds dyes which will absorb at different rates on the sections of the substrate which have different fiber orientations, and then uses these dyes in a single dye formula to achieve a substrate patterned in contrasting colors as the dyes absorb at different rates on the sections of the substrate with different fiber orientation.

The product of claim 8 is novel because it comprises a substrate wherein the dyes which have been applied together are absorbed in different amounts onto the sections of the substrate having different fiber orientations, thereby producing a patterned multicolored substrate.

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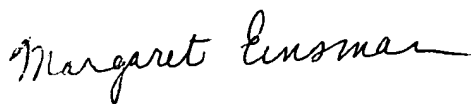
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/29/05


Margaret Einsmann
Primary Examiner
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